

**To:** Garvin, Shawn[garvin.shawn@epa.gov]; Ryan, Daniel[Ryan.Daniel@epa.gov]; Early, William[Early.William@epa.gov]; D'Andrea, Michael[DANDREA.MICHAEL@EPA.GOV]; damm, thomas[Damm.Thomas@epa.gov]; schaffer, joan[schaffer.joan@epa.gov]; Seneca, Roy[Seneca.Roy@epa.gov]; White, Terri-A[White.Terri-A@epa.gov]; Smith, Bonnie[smith.bonnie@epa.gov]; Grundahl, Nancy[Grundahl.Nancy@epa.gov]; Heron, Donna[Heron.Donna@epa.gov]; Ferrell, Mark[Ferrell.Mark@epa.gov]; Sternberg, David[Sternberg.David@epa.gov]; Lapp, Jeffrey[lapp.jeffrey@epa.gov]; Miller, Linda[miller.linda@epa.gov]  
**From:** Seneca, Roy  
**Sent:** Mon 3/3/2014 4:29:18 PM  
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# Headlines Highlights for RA's Tablet - MONDAY, March 3, 2014

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## Charleston Daily Mail

### Judiciary committee approves chemical spill bill

by [Dave Boucher](#)

Daily Mail Capitol Bureau Chief

CHARLESTON, W.Va. -- As an ominous winter storm crept over West Virginia -- and while many people slept -- the House Judiciary Committee officially approved the latest version of a bill crafted in the wake of the recent massive chemical spill.

With debate lasting for 9 hours and with more than 60 amendments discussed, the pace resembled that of the weather system.

After a 105-minute delay before the meeting, and three hours of discussions, the committee had discussed about 10 amendments. Much of the discussion occurred after midnight.

The bill passed the committee by a unanimous voice vote. It still needs to go to the House

Finance Committee, and the Senate must agree to changes before it could go to Gov. Earl Ray Tomblin's desk for final approval.

If the Senate doesn't agree with the changes, each chamber will need to pick lawmakers to participate in a conference committee. The committee would then need to agree on any additional changes.

The regular legislative session ends Saturday night.

Several amendments dominated the Sunday night/Monday morning discussion.

The committee rejected a mandate for public water suppliers to have a secondary intake source, but required West Virginia American Water Co. to install upgraded chemical detection equipment at the recently contaminated treatment facility.

Another amendment would task the state with monitoring the potential longterm health affects of the spill

Here's more of the ins and outs of what was proposed:

-- An amendment proposed by Stephen Skinner, D-Jefferson, that was meant to **address citizen lawsuits** failed.

"It allows the citizens to sue a company like Freedom, and force it to comply with... the law," Skinner said.

The change would have given a private citizen the legal standing to sue any company violating the provisions of the bill.

It would also have permitted citizens to sue the state Department of Environmental Protection and force the agency to enforce the bill. It failed by a 15-10 vote. Delegate J.B. McCuskey, R-Kanawha, was the only delegate among the five on the committee from Kanawha County to vote "no."

-- An adopted amendment **requires facility owners to keep maintenance logs** on tanks. The logs would include the amount of chemicals being stored, any changes to those levels, additives and other information.

The company would have to provide that information to the DEP upon request Skinner proposed the amendment and said he thinks any legitimate business probably keeps that information anyway.

There were questions from the DEP and other officials whether Freedom Industries, the owner of the tank that leaked at least 10,000 gallons of chemicals into the Elk River in January, had enough accurate information about what it was storing.

-- Another change **requires specific maintenance schedules** over the life of a tank. Skinner, Meshea Poore, D-Kanawha, and Mike Mannypenny, D-Tyler, sponsored that amendment.

After the amendment was delayed, Chairman Tim Manchin, D-Marion, brought it up for a voice vote. He determined the amendment had passed, eliciting groans from several members.

-- Skinner, along with other delegates, proposed another amendment that **addressed potential issues with tank sizes**. The definition of an aboveground storage tank in the bill includes, among many other qualifications, that it be at least 1,320 gallons.

Skinner's amendment would have required companies that move chemicals from tanks of that size to smaller ones still be regulated under the bill. That amendment failed.

That was all before midnight.

Here are highlights from the last five hours of the meeting, which ended at 1:30 a.m. Monday:

- In a 12:45 a.m. vote the committee agreed to call on the state to conduct **longterm medical monitoring**. The amendment requires the state Bureau for Public Health engage in the work related to the recent leak, allowing it leeway in creating the outline for the monitoring. Bureau officials have said it will be too expensive, but Kanawha-Charleston Health Department head **Dr. Rahul Gupta** and **Delegate Meshea Poore**, D-Kanawha, have said repeatedly it's vital to have such monitoring.
- The committee approved an amendment that **requires large public water suppliers to install new chemical detection equipment** at treatment plants. The language of the amendment makes it likely West Virginia American Water is the only company to which the change would apply. A representative from ORSANCO recently discussed the upgrade, and West Virginia American Water President **Jeff McIntyre** said the company has the equipment in question installed at its Huntington facility. It passed by a 15-10 vote.
- **Delegate Patrick Lane**, R-Kanawha, and other members of the Kanawha County delegation on the committee failed to garner support for his amendment to **require West Virginia American Water to build a secondary intake pipe** at the recently affected treatment center. The change would have allowed the company to receive up to \$100 million in loans from the state to build the infrastructure. Those delegates who voted against the proposal cited issues with feasibility and giving such amounts of money to the Kanawha Valley when other projects in other areas away from the Capitol City weren't funded. It failed by a 7-18 vote.
- An amendment proposed by **Delegate Mike Manypenny**, D-Tyler, called for **exterior inspections of aboveground storage tanks every year**, and an interior inspection at least once in the next 5 years. The facility would have to inspect the inside of the tank every 10 years thereafter. The amendment failed after a representative from DuPont chemical discussed some safety issues he had with the idea. In arguing against the change, **Delegate John Pino**, D-Fayette, said "we have an industry with a good track record" in reference to the chemical industry. After three recent visits from the U.S. Chemical Safety Board regarding the industry, federal officials might disagree.
- An adopted change **allows small public service districts (PSDs) more time to respond to**

**the Bureau for Public Health** concerning emergency preparedness.

- The committee **created the Public Water System Study Commission**, an entity that will consider the reports that come out in connection the leak and whether additional changes to the law are needed. The commission is also supposed to consider recommendations from the Chemical Safety Board's othertrips to West Virginia.
- After little debate the committee voted down a proposed amendment that **would have forced public water utilities to close their intakes in the event of a spill** until the water was deemed safe. McIntyre again told committee members in hindsight he wouldn't close the intake, given concerns with fire prevention and sanitation concerns. Others expressed concerns about the definition of "safe", an ongoing concern.

In its original form, the bill created a new regulatory framework for aboveground storage tanks and increased emergency preparedness measures.

It still includes increased regulations and the emergency procedures. It also requires the DEP to issue permits and conduct annual inspections of sites that sit near public water sources.

Manchin, the chairman, said Friday he planned to put the bill up for a vote Sunday evening.

Poore and about 20 other delegates sent a letter to Tomblin requesting he consider allowing lawmakers to continue working on the bill during the now-routine "budget week," an extended session that comes the week after the regular session.

Speaker Tim Miley, D-Harrison, said he didn't think there would be a need for a special session. He criticized the letter last week, but said in a followup statement he misunderstood the goal of the letter.

"To the extent I perceived that any delegate lacked such a desire or purpose is the result of misunderstanding and miscommunication internally," Miley said in a news release.

"It is now clear that I was unnecessarily concerned."

Senate President Jeff Kessler, D-Marshall, and other senators do not think a special session on the bill is necessary. Earlier in the year they questioned whether Miley was trying to delay action by sending it to three committees.

Known as a "triple reference," the move has traditionally been seen as a way to keep legislation from passing. Miley and many delegates denied the claim, saying they wanted a thorough review of the bill.

Tomblin hasn't said whether he would include a discussion of the bill during any extended or special session. He did officially end the state of emergency Friday.

The state of emergency was enacted hours after officials discovered the spill had contaminated drinking water in nine counties. It remained in effect more than 50 days.

Contact writer Dave Boucher at 304-348-4843 or [david.boucher@daily@mail.wv.com](mailto:david.boucher@daily@mail.wv.com). Follow him at [www.Twitter.com/Dave\\_Boucher1](https://www.Twitter.com/Dave_Boucher1).

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# Charleston Gazette

## Kanawha schools to resume using tap water Monday

By Mackenzie Mays

CHARLESTON, W.Va. -- Schools in Kanawha County will resume using tap water next week.

West Virginia's largest school district has been supplying bottled water in schools for students to use and for cooks to prepare food with since January's chemical leak into the Elk River but said that would end Monday.

Kanawha County Schools Superintendent Ron Duerring sent an email to school board members just before 7 a.m. Friday announcing the decision, saying parents would be notified Friday or Saturday evening.

"This will give parents time to purchase supplies if they decide to send bottled water or pack lunches," Duerring said in the email.

An automated call went out at about 6 p.m. Friday informing parents of the decision.

Duerring said bottled water will be available to students in schools "as long as supplies last," and the system is returning to "normal operating conditions."

Hand sanitizer will be available to students and staff members, Duerring said.

Gov. Earl Ray Tomblin announced late Friday afternoon that West Virginia no longer is in a state of emergency.

State Department of Education spokeswoman Liza Cordeiro said the decision to use tap water is up to individual school districts and will depend on supplies available.

After schools across several counties had to close for days after Freedom Industries' Crude MCHM leak into the Elk on Jan. 9, once schools re-opened, reports of odor coming from faucets and coinciding health symptoms again forced some schools to close.

The Department of Education developed a "rapid response team," made up of health department, Department of Environmental Protection and National Guard officials, to evaluate reports of the licorice-like odor coming from schools' faucets, and other problems, to determine if it's

appropriate to evacuate students.

The team has been testing school water supplies for the coal-cleaning chemical, labeling anything under 10 parts per billion -- a threshold determined by Tomblin that is stricter than the federal Centers for Disease Control and Prevention's recommendation for consumption -- as "non-detectable."

Just last week, Tomblin had schools tested at an even lower threshold of 2 parts per billion, which the majority of schools cleared.

Earlier this month, parents signed a petition to get Kanawha County Schools to supply bottled water through the end of the school year in May.

Karan Ireland, a Kanawha County Schools parent who founded Citizens Actively Protecting the Environment (CAPE) after the chemical leak, encouraged parents Friday to push for bottled water for the rest of the school year. She distributed school officials' contact information via social media.

"I'm concerned about the lack of notification," Ireland said. "This brings questions up about schools that have enough bottled water versus other schools that don't. I'm concerned especially for parents who have little kids in school who might not be able to say they're not allowed to use it."

Reach Mackenzie Mays at [mackenzie.m...@wvgazette.com](mailto:mackenzie.m...@wvgazette.com) or 304-348-4814.

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# Charleston Gazette

## Residents still flock to get bottled water after emergency officially ends

By Travis Crum

CHARLESTON, W.Va. -- A day after Gov. Earl Ray Tomblin officially ended a state of emergency for nine counties affected by the Elk River chemical leak, Bobbi and Darren Brown said they still fear their tap water.

They were among about a dozen people lined up early Saturday afternoon to get water from a tanker parked in the Big Lots parking lot on the West Side of Charleston.

West Virginia American Water had set up water tankers in four other locations around Kanawha County that were open until 5 p.m. Sunday.

Bobbi Brown, of South Charleston, said she feared that Sunday would be the last day the water

company would provide these tanks after Tomblin ended the state of emergency Friday evening.

"They need to keep the tankers coming until the people feel safe again," Bobbi Brown said. "I don't feel safe."

She said she doesn't trust the government tests on the region's water system that show non-detectable levels of the coal-cleaning chemical Crude MCHM.

The chemical leaked from Freedom Industries' tank farm into the Elk River on Jan. 9 and flowed the 1.5 miles downstream to the water company's intake, contaminating the tap water of 300,000 people.

Brown said that shortly after the leak her two beagles got sick from drinking the tap water. She said coming to the water tanker on Patrick Street has been a weekly routine since.

"Not even my dogs have drank from the tap," she said.

Debbie Downs, of South Charleston, also brought several water containers to the tanker on Saturday. She's only been to the tanker once before, but has about 12 gallons saved at her home. Once that runs out, she said she would buy bottled water.

Downs said she wouldn't trust her tap water again until the water company changes its filters. Company officials have said the filters were not compromised by the Jan. 9 chemical leak, but that they will change them to improve customer confidence. Company President Jeff McIntyre said on Friday that there was no firm date for changing the 16 filters because it was weather-dependent.

"I don't understand why they don't do it," Downs said. "This is all about trust."

Several other people filling plastic containers said visiting the tanker has become part of their weekly chores. They said they've developed routines to fill as many water bottles as quickly as possible.

At the Crossings Mall in Elkview, Samuel Riddle filled up two four-gallon jugs at a water buffalo on Saturday.

Riddle said he wouldn't trust the water until he sees more tests from outlying areas.

He recalled the day after the leak, when the water company supplied two tankers and a line of people went around the mall's parking lot. Those tankers have downsized over time to just one water buffalo on Saturday.

A steady stream of people came to the Elkview water buffalo with plastic jugs in hand on Saturday.

"A couple of weeks ago a young mother was here with covered bowls that she was using to fill

up water," Riddle said. "I gave her one of my jugs. She told me, 'you have to do what you have to do.'"

Anna Hodges, of Pinch, brought two jugs to the Elkview water buffalo on Saturday. She's been going there twice a week since the leak happened.

"I grew up in Marmet, right across from the DuPont plant," Hodges said. "You never think about what's in your water until something like this happens."

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# Philadelphia Inquirer

## Report sees 15K new Pa. jobs from Marcellus boom

**By Linda Loyd, Inquirer Staff Writer**

Posted: March 02, 2014

A federal labor report released this week says Marcellus Shale gas drilling has added about 15,000 direct jobs in the oil and natural gas industry in Pennsylvania in recent years.

While the industry has not created hundreds of thousands of new jobs, the employment gains were "substantial," said the U.S. Bureau of Labor Statistics, which tracks employment and wages.

In 2007, the federal government said 5,829 people worked in Pennsylvania's oil and natural gas industry. By 2012, that number was 20,943 - an increase of 15,114.

"Despite recent declines in Pennsylvania's overall economy, the state's oil and natural gas industry has seen substantial growth in terms of both employment and wages," the federal study said. Gross withdrawals from shale gas wells amounted to two trillion cubic feet between 2008 to 2012, trailing only Louisiana, the government said.

Pennsylvania went from 10th-largest state in oil and natural gas employment in 2007 to sixth in 2012. The employment increase - 259.3 percent, the study said - was the second-largest, after Texas, which added 64,515 jobs.

Since the Marcellus Shale boom began in 2008, there has been debate about the impact on Pennsylvania's economy.

The liberal-leaning Keystone Research Center said 20,943 direct jobs created from Marcellus Shale make up less than 1 percent of Pennsylvania's economy.



"It is a sober assessment of the job gains accrued in this sector," said Keystone labor economist Mark Price. "It's important for people who got those jobs, especially in the places where there's lots of drilling. It just doesn't add up to enough to lead to a dramatic fall in Pennsylvania's unemployment rate, which is 6.9 percent."

Industry supporters counter that critics of the state's shale gas policies fail to account for the indirect employment benefits - suppliers, vendors, and spending by those who work in the industry.

"We have about 240,000 Pennsylvanians working in industries that are supported directly, or made more secure, by the growth of oil and gas activity in Pennsylvania," said Patrick Henderson, Gov. Corbett's deputy chief of staff and energy adviser.

The jobs are in trucking, parts, supply chain, petroleum engineers, and surveyors, Henderson said, "a variety of different industries that are affected by activity in the oil and gas sector."

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# Salisbury Daily Times

Sunday Editorial: Move bay debate toward solutions

## County's decision to join coalition can't be last step

If you are constantly feeling threatened by a group of people when you walk down the street, you'll likely start walking down the street with your own people. There's strength in numbers, of course.

To truly reduce the tension, however, at some point something in the larger dynamic has to change. If you're lucky, maybe an outside force removes that threatening group from your street. If not, then somehow, someday, the two groups need to reach out and make peace.

The realities of life on the streets sometimes seem too similar to what we see in our politics. Increasingly, the art of compromise has been lost in Washington, Annapolis and many other centers of power. There is a sense of focusing more on loyalty to one's own group and supporters than to find common ground with the other side. The impulse is understandable but the results, as we can all see at the federal level, are underwhelming.

This is the context in which Wicomico County has joined the Clean Chesapeake Coalition. At first blush, that title might make you think it is a group of environmentalists located somewhere in the Interstate 95 corridor. Actually, it is an organization composed of mostly rural Maryland counties opposed to U.S. Environmental Protection Agency rules creating a so-called pollution diet for Chesapeake Bay — a plan supported by many environmentalists.

Wicomico County will pay \$25,000 a year in dues to the coalition. The money will help support an appeal of a federal court ruling upholding the EPA regulations. More than 20 states are in the lawsuit opposing the rules; Maryland is the sole state siding with the EPA.

Since rural counties believe Maryland's stance is wrong, the coalition has been created to fight back, and Wicomico County has now joined the fray.

The step reflects a continuing local concern that Annapolis is ramming regulation down the throats of Eastern Shore farmers and residents. The 5-cent chicken tax proposal and the state's efforts to impose phosphorus management rules to protect Chesapeake Bay seem wrongheaded to local residents and leaders.

The coalition is pointing to other possible sources of bay pollution, including sediment at the Conowingo Dam at the mouth of the Susquehanna River. Environmentalists, for their part, believe the bay's problems stem from farm and other runoff not only in Maryland, but in upstream states such as Pennsylvania.

The sources of pollution and the solutions to ending pollution are by no means easy. The complexity of water flow and chemical reactions in nature is immense. Science offers some answers but inevitably supplies more questions, as well.

It's highly unlikely, then, that a high-stakes political battle between environmentalists and rural counties in Maryland is going to resolve things. Instead, it's more likely that lobbyists and attorneys will rake in huge fees as the two sides slug it out. And that benefits nothing — certainly not the bay or the taxpayers.

So even as the coalition pushes the appeal of the federal court ruling over the pollution diet plan, leaders of Wicomico County and neighboring counties should find ways to create meaningful dialogue with environmental groups and their supporters in the General Assembly. Similarly, the environmentalists need to do the same.

They don't necessarily need to talk about the lawsuit. But there are myriad bay-related issues that lend themselves to healthy discussion and potential resolution. This is what happened in New York's Adirondack Mountains, where similarly, a quarter-century ago, environmentalists sought to impose rules on a rural area. The anger on the Adirondackers' side was palpable, similar to that of Shore poultry farmers today. There, the two sides shouted past each other for years. Ultimately, though, discussion won out and consensus arose on many issues, paving the way for true collaboration.

What's missing from all the Chesapeake Bay discussions is a sense of respect for the other side's position. With respect comes appreciation and understanding. Earning respect or showing respect is not a sign of weakness, even in our brass-knuckles political culture. Rather, it is a sign of true leadership.

Wicomico County can take some simple, slow steps to demonstrate just that sort of leadership.

Start discussions, build understanding and wait for inevitable results. They will come.

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# Pittsburgh Post-Gazette

Editorial: Clean air justice: The Supreme Court should let the EPA do its job

**March 3, 2014 12:00 AM**

Because Congress has refused to pass meaningful climate-change legislation, President Barack Obama has worked to broaden the authority of the Environmental Protection Agency to curb greenhouse-gas emissions through regulation. A case before the U.S. Supreme Court will determine the extent of that authority, and the high court should continue to allow the EPA to pursue reasonable, and necessary, regulation.

In 2007, the Supreme Court ruled that the EPA could declare carbon dioxide — the most common greenhouse gas — a pollutant covered by the federal Clean Air Act, and that the EPA thus could regulate carbon emissions under the law. Since then, the court has refused to hear a challenge to EPA rules issued in 2011 that restrict carbon emissions from the tailpipes of new cars and light trucks.

The EPA wants similarly to regulate emissions of greenhouse gases, which trap heat in the atmosphere, from stationary sources such as power plants and factories. Two years ago, a federal appeals court upheld the agency's position; business groups appealed that ruling, claiming the EPA was exceeding its authority. The Supreme Court heard arguments in the case last week.

The EPA has made clear it seeks to regulate only the largest stationary sources of carbon emissions. The Supreme Court already has ruled that the EPA needs "regulatory flexibility" to address "changing circumstances and scientific developments."

If business lobbies and their political allies don't like this sort of regulation, they can prevail on Congress to amend the Clean Air Act or to enact some form of climate-change legislation. In the meantime, the EPA's effort to fill the vacuum Congress has created is not only proper but necessary.

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# Pittsburgh Post-Gazette

Despite new \$500M battery, Clairton plant over emission limit

**By Len Boselovic / Pittsburgh Post-Gazette**  
**February 28, 2014 11:38 PM**

Fifteen months after firing up a new battery of environmentally friendlier ovens at its Clairton coke plant, U.S. Steel has failed to bring the new facility into compliance with Allegheny County emission standards.

"They are not greatly over the limit, but they are currently not in compliance," said Jim Thompson, deputy director of the county health department.

Mr. Thompson said U.S. Steel did some work that was supposed to address excess emissions of pollutants from the \$500 million battery.

"But that has not worked out," he said. "They need to come back to us with a new plan."

Mr. Thompson said he expects the company to do that as soon as possible.

U.S. Steel acknowledged the shortcoming in a securities filing this week. The Pittsburgh steel producer said it could not estimate what impact the solution will have on the company.

In a statement emailed Friday, the company said it is working with the health department and the equipment maker Uhde to resolve the issue. Uhde is part of Germany's Thyssen-Krupp Group.

In June, U.S. Steel issued a statement saying that it was "appropriate to anticipate" that it might take longer for "a complex innovative process to be fully implemented."

The new battery began operating Nov. 24, 2012. It was designed to enable Clairton, one of the biggest sources of air quality complaints in the region, to significantly reduce emissions and meet certain air quality standards months earlier than government officials targeted. The emissions include coal dust, small amounts of hazardous pollutants such as benzene and other fine particulates.

Steel producers use coke as fuel in blast furnaces. It is produced by baking coal in ovens at high temperatures. Clairton is North America's largest coke plant, producing about 4.5 million tons of the material each year. The new battery of ovens can produce about 960,000 tons annually.

Mr. Thompson said some of the excess emissions are being offset by improvements at another Clairton coke oven battery. New equipment has been installed to reduce emissions when coke is removed from those ovens and cooled in quenching towers, where it is sprayed with water.

Clairton is not the only coke problem U.S. Steel has. In its annual report filed Tuesday with the Securities and Exchange Commission, the steel maker said a new coke substitute plant at its Gary, Ind., Works is having performance issues.

The company disclosed it has told state environmental regulators that it "cannot certify that [the new equipment] is continually meeting the applicable emission limits."

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# Southern Maryland Online

## Report Shows Some Improvements in Chesapeake Bay Restoration

Posted on February 28, 2014

By Lyle Kendrick

ANNAPOLIS (Feb. 28, 2014) -- Amidst statewide debate about how to fund restoration of the Chesapeake Bay, a report released Thursday shows that many local and national efforts to curb pollution have had a positive effect on the watershed.

The New Insights report was conducted by the Chesapeake Bay Program and looked at more than 40 case studies in the Chesapeake bay watershed examining whether practices aimed at reducing nutrients in the water worked.

According to the report, wastewater treatment plant improvements, reductions in nitrogen released in the atmosphere and reducing agricultural land runoffs were three of the most effective long-term practices for water quality improvement.

This was the first time the program had looked at that many sites and monitored data from before many pollution controls, or best management practices, were implemented, said Nicholas DiPasquale, Chesapeake Bay Program director.

Some of the data analyzed in the report was from as far back the mid-1980s, said Bill Dennison, an author of the report and vice president for science applications at the University of Maryland Center for Environmental Science.

While some of the information in the study was expected, DiPasquale said the research team did not expect as high a reduction of airborne nitrogen as the study showed.

Some of the reasons for the improvements were regulatory programs aimed at reducing air emissions from power plants, legislation like the Clean Air Act and an increase in fuel-efficient automobiles.

He said the air quality in other states can impact the Chesapeake bay watershed because west to east winds from states like Ohio and Michigan can affect the nitrogen content of Maryland's air which then can impact the state's waters through rain.

But the report also highlighted efforts by Marylanders using local solutions to clean up the watershed.

The town of Centreville, on the Eastern Shore, used several best management practices, such as stormwater wetland ponds, manure management and using cover crops to reduce winter soil erosion.

The study showed that because the town aggressively implemented many of these practices, there was a significant reduction of phosphorous and nitrogen in two tributaries of the Corsica River.

While the study showed several positive signs for water quality improvement around the state, population growth - which causes intensified land use - remains a major challenge, research team members said.

In addition, while many best management practices have short-term results, some, especially those involving groundwater, have a lag time and patience is required in order for the benefits to be realized, said Scott Phillips, Chesapeake bay coordinator for the United States Geological Survey.

Dennison said the study helps show Marylanders that efforts across the state and the country have led to some water quality improvements.

"We've got demonstrable evidence that shows that we can improve our air and water and land, and it's going to work, so hang in there," Dennison said.

Phillips said that he thinks that because the study shows a summary of what is working, it could potentially lead to better decision-making regarding bay restoration . It could also lead to the application of effective practices in other parts of the country, such as the Gulf of Mexico.

Research team members said the report will help restoration efforts because it shines a light on what is working.

"We have a good idea of the kinds of practices that need to be implemented but there are some that need to be more effective and we want to try and focus on those," DiPasquale said.

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# Wilmington News Journal

Solutions will take years, plenty of money

Solutions will take years, plenty of money

By Jeff Montgomery and Molly Murray, The News Journal

Healing Delaware's troubled waters after centuries of abuse will take hundreds of millions of dollars to cut off pollution that flows freely from septic systems, treatment plants, farms, yards, factories, highways and soil.

This week, Gov. Jack Markell is expected to propose a way to pay for the work needed to clean the state's dirty waters.

"You have to start somewhere. You're wrestling with a problem that's centuries old, and to make a statewide goal to restore those streams is noble," said Gerald Kauffman, a University of Delaware professor, Delaware's water supply coordinator and director of the university's Water Resources Agency.

Although details have yet to be released, Department of Natural Resources and Environmental Control Secretary Collin P. O'Mara said the plan would create new jobs, clean up waterways, reduce flooding, protect drinking water and preserve the state's tourism economy.

"Traditionally, we talk about wastewater needs as an environmental imperative, and you can argue that it's kind of a tourism imperative," O'Mara said. "But equally it's a construction boom in many ways. It puts a lot of people to work, and those jobs stay in the state."

Fixes could range from enlarging or modifying a pond to capture more rainwater and filter out sediment and debris, planting off season crops to hold soils and nutrients on the land through winter rain and snow, digging up contaminated soils near streams and restoring damaged habitats along tributaries that flow to the state's largest waterway.

Where neighborhoods chronically flood, larger drainage pipes or wetland restoration are needed.

At public and industrial wastewater plants, investments are needed to take more pollution out of sewage before discharge, or to reduce the amount of fresh water taken out of rivers for processing or cooling, sparing fish now caught up in intakes.

At risk are public drinking water supplies from Selbyville to Wilmington, with communities facing expenses for everything from securing new water sources to replacing contaminated wells to treatment system upgrades. Some communities face even bigger problems, including intrusions of saltwater into freshwater wells near coastal areas.

O'Mara said the state's tools could include state grants for cover crops and toxic cleanups to low-interest loans and borrowing assistance for municipal and industrial water projects. State officials hope to attract private investors into the mix.

"Significant investments, particularly over the next five to 10 years, are absolutely critical" across the state, O'Mara said. "We should have started 20 years ago. We're already behind the eight ball in many ways."

Dave Carter, conservation chair for Delaware Audubon and a former DNREC coastal programs manager, said that he has concerns about the potential use of public funds and borrowing

authority to help private businesses for economic development.

"There really is a lot of public contribution to the water quality problem, so the public should have to pay to solve it," Carter said. "But the lines are getting blurred as to which projects are in the best interests of the public and which are more likely to promote private company interests with some remote hope" of jobs and growth.

An estimated \$500 million is needed for wastewater improvement, \$200 million for stormwater, more than \$75 million to clean up toxic pollution and about \$3 million more for agricultural cover crops, O'Mara said.

Regulators backed by citizen committees have been working to develop strategies for controlling pollution in all of the state's big watersheds since the late 1990s, and in some areas like the Delaware River and Bay and Inland Bays – both are designated National Estuaries – for even longer.

Administration officials have been setting the stage for increased spending. Last year, the state's Water Infrastructure Advisory Council absorbed the duties of a similar group that handled drinking water needs. That created a single statewide organization to review projects in line for money under the new programs.

The state also has been piloting new approaches to clean up waterways tainted by toxic chemicals. At Dover's Mirror Lake, contractors reshaped banks and sprayed pollution-absorbing activated carbon into the water, aiming to capture and lock up polychlorinated biphenyls in water and sediments – a plan they think could work across the state. State scientists expect a rapid decline in PCB levels in the lake, potentially allowing removal of a fish consumption warning within a few years

In South Bethany Beach, where drainage canals are so enriched with nitrogen and phosphorus that algae blooms are common even in winter, local residents and the Center for the Inland Bays created bioretention basins that work like mini wetlands in the middle of Del. 1. They also graded around the existing storm drains to create low spots to capture more rainwater.

More money is needed for flood-control problems across the state, state officials have said, from Wilmington, where the Southbridge community endures storm and high-tide inundations monthly, to Elsmere-area neighborhoods near Little Mill Creek, Delaware City, Dover and communities across Sussex County.

Near Killens Pond in Kent County, longtime resident Wendy Aycoth said that it will take more than money to solve the state's water woes.

"A lot of it is education," said Aycoth, who replaced her own home's aging septic system after listening to a talk on risks from undetected failures. "I think the public needs to be informed as to why this needs to be done. Many people don't understand, and keep putting things they don't need on their lawns, and changing oil in their yards. All that gets into the water."



# Wilmington News Journal

## Editorial: Putting an end to Delaware's watery disgrace

The following is disgraceful:

“Nearly all of the state’s rivers and streams – 94 percent, the highest amount in the region – are so bad that fish can’t thrive. In 85 percent of them, Delawareans can’t swim. Exempt from these dubious distinctions: the 24-mile Delaware Ocean coast and the Delaware Bay shore.”

The words are from today’s front-page investigation by News Journal reporters Molly Murray and Jeff Montgomery. The facts are from countless water purity tests, expert observations, and in-depth reports. For a state with such natural beauty, Delaware’s waters are downright embarrassing. Worse, they can be deadly, too.

We are living with a legacy of environmental damage. Delawareans’ habits of yesteryear were not kind to the soils and waters we want to leave for our grandchildren. But yesterday is not the only problem.

Today’s habits are doing damage, too. Chemicals and waste still are going into the water system.

This disgrace goes beyond simple beauty. It poses short-term and long-term threats to our health and well-being. Groundwater often is tainted. The creeks supplying 70 percent of northern Delaware’s drinking water carry “high levels of bacteria, chemicals and fertilizers too high to meet federal Clean Water Act standards,” Ms. Murray and Mr. Montgomery report. The situation is so bad that the water must go through industrial-scale treatment before anyone can drink it.

The expenses only are going to grow. Yesterday was bad. Today is worse. Tomorrow will be ... what? Our downfall?

The United States and much of the world have a water problem. In some places, even in this country, there is too little water. California’s drought, one of the worst in its history, is limiting the state’s economic growth. The same is true throughout the Southwest.

But here on the East Coast, in this very region, the story is different. We have water. But we are doing our best to ruin it.

Gov. Markell recognizes this. He put cleaning up the water system at the top his agenda in his State of the State address in January. He has said over and over that Delaware’s waterways are an embarrassment. No fishing and no swimming signs are everywhere. You are risking your life if you eat fish from Delaware’s waters.

This is not civilized. We have science. We know how to measure the toxins in the water. We know how to prevent them from getting into the water. We know how to clean them up, too. Our counter-pollution technology, if you will, has grown stronger. We can now clean up streams in a matter of years when once it could have taken decades.

The clean up takes money. It takes a plan. And it takes resolution.

Gov. Markell will unveil his promised proposal Tuesday. It is the duty – as well as in the self-interest – of every Delawarean to pay attention to his proposal. We need to debate the details and then we need to act.

We can and must end the disgrace of Delaware's water quality.

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# New York Times

## E.P.A. Set to Reveal Tough New Sulfur Emissions Rule

WASHINGTON — The Environmental Protection Agency plans to unveil a major new regulation on Monday that forces oil refiners to strip out sulfur, a smog-forming pollutant linked to respiratory disease, from American gasoline blends, according to people familiar with the agency's plans.

When burned in gasoline, sulfur blocks pollution-control equipment in vehicle engines, which increases tailpipe emissions linked to lung disease, asthma, emphysema, chronic bronchitis, aggravated heart disease and premature births and deaths. Proponents of the rule say it will be President Obama's most significant public health achievement in his second term, but opponents, chiefly oil refiners, say it is unnecessarily costly and an unfair burden on them.

The E.P.A. estimates that the new rule will drastically reduce soot and smog in the United States, and thus rates of diseases associated with those pollutants, while slightly raising the price of both gasoline and cars. The rule will require oil refiners to install expensive new equipment to clean sulfur out of gasoline and force automakers to install new, cleaner-burning engine technology.

E.P.A. officials estimate that the new regulation will raise the cost of gasoline by about two-thirds of one cent per gallon and add about \$75 to the sticker price of cars. But oil refiners say that it will cost their industry \$10 billion and raise gasoline costs by up to 9 cents per gallon.

The E.P.A.'s studies conclude that by 2030, the cleaner-burning gasoline will yield between \$6.7 billion and \$19 billion annually in economic benefits by saving lives and preventing missed work and school days due to illness. The agency estimates that, annually, the new rule will prevent between 770 and 2,000 premature deaths; 2,200 hospital admissions and asthma-related emergency room visits; 19,000 asthma attacks, 30,000 cases of symptoms of respiratory symptoms in children, and 1.4 million lost school and work days.

“There is no other regulatory strategy that is as important from a health standpoint, in the foreseeable future,” said S. William Becker, director of the National Association of Clean Air Agencies. Until now, the sulfur content standards in American gasoline lagged far behind those used in the European Union, Japan and South Korea. The new rule will close that pollution gap by cutting American gasoline sulfur content by more than 60 percent, from 30 parts per million of sulfur down to 10 parts per million, starting in 2017.

The cleaner gasoline standard has been years in the making. Mr. Obama asked the E.P.A. to create the rule in a 2010 presidential memorandum, and public health and environmental advocates lobbied the agency vigorously to complete it. It is the most recent in a cascade of aggressive air pollution regulations that have emerged as a hallmark of the Obama administration.

During the 2012 presidential campaign, the forthcoming gasoline rule was a hotly contested political target. Republicans criticized it as an example of what they called the Obama administration's regulatory overreach.

But since the presidential election, some Republicans have said they welcome the rule. Gov. Gary R. Herbert of Utah, a conservative Republican, said that because of mountain weather patterns, tailpipe smog is often trapped around Salt Lake City, giving his state many days with “gunky air that rivals L.A.”

Mr. Herbert said the new rule would help clean up his state's air. “We've got to find a way to eliminate that with cleaner fuels and cleaner autos,” he said in an interview. “Dirty air is not a partisan issue. The fact that we have technology that's available — cleaner burning fuels, cleaner burning autos — we ought to embrace that.”

The new rule will have a significant impact on the health of low-income Americans who live near major highways, said Dr. Al Rizzo, a pulmonologist at Christiana Care Health System in Newark, Del., and a former chairman of the American Lung Association's board of directors. “The population that lives close to highways, that has the greatest exposure to these pollutants, air quality makes a big difference for them,” Dr. Rizzo said.

But oil refiners say that the new rule will hurt their industry.

Charles T. Drevna, president of the American Fuel and Petrochemical Manufacturers, which lobbies for the oil refining industry, said that the rule comes on top of a series of other burdensome regulations. A decade ago, American gasoline contained 300 parts per million of sulfur, but earlier rules required refiners to cut the sulfur content by 90 percent, down to the

current 30 parts per million.

Mr. Drevna said it was easier to comply with the earlier regulations because removing the first 90 percent of sulfur molecules from gasoline can be done without difficulty. Wringing the last 10 percent of those molecules is harder.

“They’re tough little buggers that don’t want to come out,” Mr. Drevna said. “It’s like getting the last little bit of red wine stain out of a white blouse.”

Asked about the E.P.A.’s estimate that the rule would raise prices at the pump by less than a penny a gallon, Mr. Drevna laughed out loud. “I don’t know what model E.P.A. uses,” he said. “The math doesn’t add up.” His industry’s estimate that the rule could raise gasoline prices by up to 9 cents a gallon comes from a study by the American Petroleum Institute, which lobbies for oil companies.

Not all industries oppose the regulation. Although the auto industry estimates that the rule will cost automakers about \$15 billion over 10 years, Gloria Bergquist, vice president of the Alliance of Automobile Manufacturers, whose members include General Motors, Ford and Toyota, said her group had worked closely with the Obama administration to develop the regulation, and does not oppose it.

That is in part, she said, because complying with the new clean-gasoline regulation will help automakers more easily meet another set of Obama administration regulations, tightening vehicle fuel economy standards.

“We understand that this is the trend, to get cars cleaner and cleaner,” Ms. Bergquist said. “Our engineers are prepared to work for it.”

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